

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Pahl, et al.) ATTORNEY DOCKET: 04266864
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SERIAL NO.: 10/828,650) GROUP ART UNIT: 1624
))
PATENT NO.: 7,381,729))
))
FILED: April 21, 2004) EXAMINER: Moore, Susana
))
TITLE: 4-(4-TRANS-HYDROXYCYCLOHEXYL)AMINO-2-PHENYL-7H-PYRROLI [2,3D] PYRIMIDINE HYDROGEN MESYLATE, ITS POLYMORPHIC FORMS, AND METHODS FOR MAKING SAME

DATE: June 25, 2008

ATTN: Certificate of Correction Branch
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith for the above-captioned granted patent are:

1. Request for Certificate of Correction under 37 C.F.R. § 1.323;
2. Form PTO/SB/44;
3. April 25, 2008 Petition Decision; and
4. Payment in the amount of \$100.00 pursuant to 37 C.F.R. § 1.20(a).

The Commissioner is hereby authorized to charge any additional fees (or credit any overpayment) associated with this communication to Deposit Account 13-0019.

By:

Respectfully submitted,

Jamison E. Lynch
Reg. No. 41,168

CUSTOMER NUMBER 26565
MAYER, BROWN, ROWE & MAW LLP
P.O. Box 2828
Chicago, IL 60690-2828
(312) 701-7551

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REQUEST FOR CERTIFICATE OF CORRECTION UNDER 37 C.F.R. §1.323

Pursuant to 37 C.F.R. § 1.323, the Applicants respectfully request that United States Pat. No. 7,381,729 (the '729 Patent) be corrected as set forth in the attached Form PTO/SB/44.

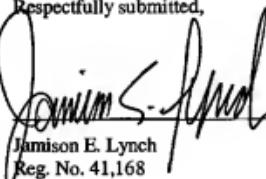
Accordingly, Applicants submit herewith on Form PTO/SB/44 the corrected portions of the '729 Patent, and respectfully requests that the same issue as a certificate of correction.

Solvay Pharmaceuticals B.V. is incorrectly listed as the assignee for the '729 Patent. The present request is being submitted to change the assignee identified on the front page of the '729 Patent to Solvay Pharmaceuticals GmbH. The correction is being made so that the assignment information is consistent with the assignment recorded with the USPTO. The reel and frame number of the recorded assignment is 015356/0432. The assignment was recorded on May 18, 2004, prior to the grant of the '729 Patent.

Also submitted herewith is a copy of the April 25, 2008 Petition Decision dismissing the request to correct the assignee's name under 37 C.F.R. § 3.81(b). The April 25 Petition Decision instructed the Certificate of Correction Branch to issue a certificate of correction as requested herein upon submission of a request for a certificate of correction (and fee) which sets forth Solvay Pharmaceuticals GmbH as the assignee.

Applicant respectfully submits that the above-proposed correction is of a clerical or typographical nature or of minor character which occurred in good faith and would not constitute new matter nor require reexamination by an Examiner. Pursuant to 37 C.F.R. §§1.323 and 1.20(a), a fee of \$100.00 is transmitted herewith. The Commissioner is hereby authorized to charge any additional fees (or credit any overpayment) associated with this Request to Deposit Account 13-0019.

The Office is invited to call the undersigned attorney if it would assist in processing this request for a certificate of correction for the '729 Patent.

Respectfully submitted,

By: _____
Jamison E. Lynch
Reg. No. 41,168

CUSTOMER NUMBER 26565
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**UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION**

Page 1 of 1

PATENT NO. : 7,381,729

APPLICATION NO.: 10/828,650

ISSUE DATE : June 3, 2008

INVENTOR(S) : Pahl, Axel; Heinrich, Timo; Finner, Emitt; Luitjens, Bernd-Martin; Zorgdrager, Jan; Verveer, Pieter C.

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the front page of the patent delete the following Assignee:

Solvay Pharmaceuticals B.V., Weesp (NL)

and Insert the following Assignee:

Solvay Pharmaceuticals GmbH, Hannover (DE)

MAILING ADDRESS OF SENDER (Please do not use customer number below):

Mayer Brown LLP
P.O. Box 2828
Chicago, IL 60690-2828

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



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APR 25 2008
OFFICE OF PETITIONS

In re Application of :
Axel Pahl et al :
Application No. 10/828,650 :
Filed: April 21, 2004 :
Attorney Docket No. 04266864 :

ON PETITION

This is a decision on the petition, filed December 10, 2007, which is being treated as a request under 37 CFR 3.81(b)¹ to correct assignee's name on the Fee(s) Transmittal form PTOL-85(b) so that the Letters Patent will issue to the assignee.

The request is **DISMISSED**.

Petitioner states that the correct assignee's name is Solvay Pharmaceuticals GmbH, Hannover, Germany. Accordingly, petitioner requests that the patent issue to Solvay Pharmaceuticals GmbH, Hannover, Germany.

37 CFR 3.81(b), effective June 25, 2004, reads:

After payment of the issue fee: Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a)) and the processing fee set forth in § 1.17(i) of this chapter.

The request under 37 CFR 3.81(b) was not accompanied by a request for a certificate of correction (and fee) as required by 3.81(b). *See also* MPEP 1481.01. As petitioner has failed to comply with the provisions of 37 CFR 3.81(b), the request cannot be granted at this time.

¹ See MPEP 1309, subsection II and Official Gazette of June 22, 2004

A review of Office database assignment records reflects that an assignment to Solvay Pharmaceuticals GMBH, Hannover, Germany has been recorded. Therefore, upon submission of the required certificate of correction and fee, it would be appropriate for the Office to issue a certificate of correction to correct the front page of the Letters Patent to reflect that Solvay Pharmaceuticals was the assignee of record at the time of issuance of the application into a patent. *Note also 35 U.S.C. § 152.*

In view of the above and after issuance of this application into a patent, the Certificates of Correction Branch is instructed to issue a certificate of correction upon submission by petitioner of a request for a certificate of correction (and fee) which sets forth Solvay Pharmaceuticals GMBH, as the assignee. No certificate of correction will be issued which sets forth an assignee other than the assignee set forth in this request. A copy of this decision must accompany the request for a Certificate of Correction.

No further renewed request under 37 CFR 3.81(b) is necessary for consideration by the Office of Petitions for issuance of a certificate of correction in the name of the assignees set forth in this request, since this decision operates as an instruction to the Certificates of Correction Branch to issue the requested certificate of correction.

Alternatively, if petitioner desires to have the correct assignee data appear on the front page of the Letters Patent, petitioner may wish to consider filing a petition to withdraw the subject application from issue under 37 CFR 1.313(c)(2). The petition to withdraw from issue under 37 CFR 1.313(c)(2) must be accompanied by a request for continued examination (RCE) and submission (which may be a request under 37 CFR 3.81(b)).

Inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210. Any questions concerning issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (571) 272-4200.


Irvin Dingle
Petition Examiner
Office of Petitions